

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

RONALD M. BAUGH,

Plaintiff,

v.

ERIC HOLDER, et. al.,

Defendants.

Case No. 3:13-cv-00561-ST

OPINION AND ORDER

Michael H. Simon, District Judge.

United States Magistrate Judge Janice M. Stewart issued Findings and Recommendation in this case on May 5, 2015. Dkt. 79. Judge Stewart recommended that the Court deny Plaintiff's Motion to Reopen the Time to File an Appeal Notice. Dkt. 74.

Under the Federal Magistrates Act ("Act"), the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1)(C). If a party files objections to a magistrate's findings and recommendations, "the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.*; Fed. R. Civ. P. 72(b)(3).

For those portions of a magistrate's findings and recommendations to which neither party has objected, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985) ("There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate's report to which no objections are filed."); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (holding that the court must review de novo magistrate's findings and recommendations if objection is made, "but not otherwise"). Although in the absence of objections no review is required, the Act "does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard." *Thomas*, 474 U.S. at 154. Indeed, the Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that "[w]hen no timely objection is filed," the Court review the magistrate's recommendations for "clear error on the face of the record."

Plaintiff timely filed an objection. Dkt. 89. The Court has reviewed *de novo* Judge Stewart's Findings and Recommendation, as well as Plaintiff's objections and the underlying briefing. The Court agrees with Judge Stewart and adopts the Findings and Recommendation. For those portions of Judge Stewart's Findings and Recommendation to which neither party has objected, this Court follows the recommendation of the Advisory Committee and reviews those matters for clear error on the face of the record. No such error is apparent.

The Court ADOPTS Judge Stewart's Findings and Recommendation. Dkt. 79. Plaintiff's motion (Dkt. 74) is denied.

IT IS SO ORDERED.

DATED this 29th day of June, 2015.

/s/ Michael H. Simon
Michael H. Simon
United States District Judge